

AMENDED IN SENATE APRIL 28, 2011

SENATE BILL

No. 912

Introduced by Senator Lieu

February 18, 2011

An act to add ~~Section 2270 to the Labor Code~~ *Section 1099 to the Unemployment Insurance Code*, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

SB 912, as amended, Lieu. ~~Hotel housekeeping; labor and sanitary standards.~~ *Employment Development Department: wage reports: electronic access.*

Existing law requires that information obtained by the Employment Development Department in the administration of unemployment insurance laws be kept confidential and for the exclusive use of the director in the discharge of his or her duties, and this information is not open to the public, except as specifically provided.

This bill would authorize the department to contract with a credit reporting agency to provide a creditor, employer, or permissible purpose entity, as defined, with secured electronic access to employer-provided quarterly wage reports if certain requirements are met. This bill would require that the department and any credit reporting agency, creditor, employer, or permissible purpose entity use this information only for specified purposes, and would require the safeguarding of any information received. This bill would also require termination of the contract, as provided, for any violation of these requirements, and would authorize the contract to provide for reimbursement to the department for any reasonable administrative costs incurred.

~~Existing law requires that all employers comply with specified standards relating to working conditions and sanitary facilities. Existing~~

law further provides that local governmental bodies may adopt labor standards that are more stringent than those adopted by the state.

~~This bill would provide that a hotel housekeeping worker shall not be required to clean a hotel room in less than 40 minutes on average, and would establish other sanitary standards for the cleaning of hotel rooms. In addition, the bill would permit a city, county, or city and county to adopt specified ordinances establishing labor and sanitary standards for hotel housekeeping, including standards that are more protective of public health and hotel worker safety than the state standards established by this bill.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1099 is added to the Unemployment
2 Insurance Code, to read:
3 1099. (a) Notwithstanding any other law, the department may
4 contract with one or more consumer reporting agencies to provide
5 a creditor, employer, or permissible purpose entity with secured
6 electronic access to employer-provided information relating to
7 the quarterly wages report submitted in accordance with this part.
8 This access shall be limited to wage reports and shall include at
9 least the preceding 16 calendar quarters, or more if available.
10 (b) For purposes of this section, the following definitions apply:
11 (1) “Consumer reporting agency” has the same meaning as
12 that set forth in the federal Fair Credit Reporting Act (15 U.S.C.
13 1681a(f)).
14 (2) “Creditor” has the same meaning as that set forth in the
15 federal Fair Debt Collection Practices Act (15 U.S.C. 1691a(e)).
16 (3) “Permissible purpose entity” means an entity with specified
17 purposes as authorized by the department.
18 (4) “Wage reports” means the amount of wages reported by
19 employers as earned by the individual during the base period, as
20 defined in Section 1275, or any additional periods as agreed to
21 by the director, and the name or names and address or addresses
22 of record of the employers who paid those wages.
23 (c) A creditor, employer, or permissible purpose entity shall
24 obtain written consent or an electronic signature equivalent from
25 the credit, employment, or other permitted purposes applicant

1 prior to electronically accessing any quarterly wage report of the
2 applicant. Any written or electronic signature equivalent consent
3 from the credit, employment, or other permitted purpose applicant
4 shall be signed and shall include each of the following:

5 (1) Specific notice that information concerning the individual's
6 wage and employment history shall be released to a consumer
7 reporting agency.

8 (2) Notice that the release is made for the sole purpose of
9 reviewing a specific application for credit, employment, or other
10 permitted purpose made by the individual.

11 (3) Notice that the files of the department containing information
12 concerning wage and employment history that is submitted by the
13 individual or his or her employers may be accessed.

14 (4) A listing of the parties authorized to receive the released
15 information.

16 (d) A consumer reporting agency, creditor, employer, or other
17 permissible purpose entity accessing information under this section
18 shall safeguard the confidentiality of any information received. A
19 consumer reporting agency, creditor, employer, or permitted
20 purpose entity shall use the information only to support a single
21 transaction for the user to satisfy its standard underwriting or
22 eligibility requirements or for those requirements imposed upon
23 the user, and to satisfy the user's obligations under applicable
24 state or federal laws, rules, or regulations.

25 (e) If a consumer reporting agency, creditor, employer, or
26 permitted purpose entity violates this section, the department shall,
27 upon 30 days written notice to the consumer reporting agency,
28 creditor, employer, or permitted purpose entity terminate the
29 contract established between the department and the consumer
30 reporting agency, or require the consumer reporting agency to
31 terminate the contract established between the consumer reporting
32 agency and the creditor, employer, or permitted purpose entity.

33 (f) The department shall establish minimum audit, security,
34 net-worth, and liability insurance standards, technical
35 requirements, and any other terms and conditions considered
36 necessary in the department's discretion to safeguard the
37 confidentiality of the information released and to otherwise serve
38 the public interest. The department shall also include, in
39 coordination with any necessary state agencies, necessary audit
40 procedures to ensure that these rules are followed.

1 (g) A contract with one or more consumer reporting agencies
2 under this section may provide for reimbursement to the
3 department for any reasonable administrative costs incurred.

4 (h) The department shall not provide wage and employment
5 history information to any consumer reporting agency until after
6 the consumer reporting agency or agencies under contract with
7 the department pay all development and other startup costs
8 incurred by the state in connection with the design, installation,
9 and administration of technological systems and procedures for
10 the electronic-access program.

11 (i) The release of any information under this section shall be
12 for a purpose authorized, and in the manner permitted, by the
13 United States Department of Labor and any subsequent rules or
14 regulations adopted by that department.

15 ~~SECTION 1. The Legislature finds and declares all of the~~
16 ~~following:~~

17 ~~(a) In recent years, many hotel chains have increased the~~
18 ~~workloads of their housekeeping staff, including one chain in~~
19 ~~particular that now requires a single housekeeper to clean up to~~
20 ~~30 rooms per day.~~

21 ~~(b) Studies have shown that hotel rooms are often not cleaned~~
22 ~~sufficiently to eliminate contagious germs left by prior occupants.~~

23 ~~(c) Studies have shown that hotel housekeepers frequently suffer~~
24 ~~painful and disabling injuries due to the amount and nature of their~~
25 ~~work. While the injury rate for construction and manufacturing~~
26 ~~workers is 4.3 recorded injuries per 100 full-time equivalent~~
27 ~~workers, the average injury rate for hotel housekeepers is 7.6~~
28 ~~recorded injuries per 100 full-time equivalent workers, with one~~
29 ~~hotel chain in particular having a rate of 10.8 recorded injuries per~~
30 ~~100 full-time equivalent workers.~~

31 ~~(d) The Legislature hereby confirms existing law allowing local~~
32 ~~government agencies to adopt regulations to address hotel~~
33 ~~cleanliness and hotel housekeeping worker safety.~~

34 ~~SEC. 2. Section 2270 is added to the Labor Code, to read:~~

35 ~~2270. (a) A hotel housekeeping worker shall not be required~~
36 ~~to clean a hotel room in less than 40 minutes on average. The~~
37 ~~cleaning of a hotel room, after use by a hotel guest, shall include~~
38 ~~changing the bed linens and washing or wiping with disinfectant~~
39 ~~all doorknobs, bathroom handles, and remote control devices.~~

1 ~~(b) Notwithstanding any other provision of law, a city, county,~~
2 ~~or city and county may adopt ordinances establishing labor and~~
3 ~~sanitary standards for hotel housekeeping, including standards that~~
4 ~~are more protective of public health and hotel worker safety than~~
5 ~~the standards established in subdivision (a). Ordinances adopted~~
6 ~~pursuant to this subdivision may do all of the following:~~

7 ~~(1) Require hotels to allow housekeeping workers a specified~~
8 ~~minimum amount of time to clean each type of room or set a~~
9 ~~maximum square footage or number of rooms assigned to a worker~~
10 ~~to clean.~~

11 ~~(2) Require a premium rate of pay and additional rest periods~~
12 ~~if a housekeeping worker is required to clean more than a specified~~
13 ~~amount.~~

14 ~~(3) Allow for waiver of labor standards through a collective~~
15 ~~bargaining agreement.~~

16 ~~(4) Provide for regulatory fees to cover the costs of enforcement~~
17 ~~of those ordinances.~~

18 ~~(5) Contain any other provision deemed appropriate and~~
19 ~~necessary by the city, county, or city and county to serve the~~
20 ~~purposes of this section.~~

21 ~~(c) Ordinances adopted by a county pursuant to subdivision (b)~~
22 ~~may apply to hotels in an incorporated city within the county if~~
23 ~~that city has not adopted ordinances that are more protective of~~
24 ~~public health and hotel worker safety than the ordinances adopted~~
25 ~~by the county.~~

26 ~~SEC. 3. The provisions of this act are severable. If any~~
27 ~~provision of this act or its application is held invalid, that invalidity~~
28 ~~shall not affect other provisions or applications that can be given~~
29 ~~effect without the invalid provision or application.~~